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## EXHIBIT 1

18-5/F  
MK  
8/27/02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Vermeulen et al.

Serial No.: 09/056,806

Filed: April 8, 1998

For: VACCINES AGAINST EIMERIA  
MEDIATED DISORDERS

Examiner: S. Turner, Ph.D.

Group Art Unit: 1647

Attorney Docket No.: 5106US

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents (Fax No. (703) 746-3141) on the date shown below.

March 21, 2002  
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1.8(a)(1)(ii)

Debra L. Mitchell  
Typed/printed name of person whose signature is  
contained above

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Office Action mailed September 5, 2001, please amend the referenced application as follows:

Supplemental Amendment

IN THE CLAIMS:

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1. (Amended six times) A composition free of whole *Eimeria* parasites, which comprises at least one protein or antigenic fragment thereof, wherein said protein:

F 1 (a) is present in the hydrophilic phase of a tertioctylphenoxyxpoly (ethoxyethanol) extract of total *Eimeria* sporozoites; and

(b) has a molecular mass of about 26-30 kDa as determined by SDS-PAGE under reducing conditions.

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### Remarks

Applicants wish to thank the Examiner for the courtesy extended during the personal interview conducted March 21, 2002. The applicants found this interview especially productive as evidenced by the Interview Summary (Paper No. 19),

Applicants proposed amendment would appear to overcome the rejections of record. However, the newly proposed claim will require further search and consideration to determine patentability.

(Paper No. 19).

Applicants have amended claim 1 to recite a protein present "in the hydrophilic phase of a tertooctylphenoxy poly (ethoxyethanol) extract of total *Eimeria* sporozoites". Applicants submit that support for the amendment can be found in the specification, for example, on page 23, lines 12 through the end. As discussed in the interview summary, the amendment more clearly defines the invention and should distinguish over the prior art of record. Reconsideration of the rejection is requested.

### Conclusion

In view of the amendments and remarks presented herein, applicants respectfully submit that claims 1-5, 12-15, 19, 27, 28, 30 and 32, are allowable, and an early notice thereof is respectfully solicited. If questions should remain after consideration of the foregoing, the Examiner is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

  
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Telephone: (801) 532-1922

Date: March 21, 2002

Attachment: Marked up version of the amended claims

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (Amended six times) A composition free of whole *Eimeria* parasites, which comprises [one or more proteins, or fragments] at least one protein or antigenic fragment thereof, wherein said protein [proteins]:

(a) [are] is present in the hydrophilic phase of a tertioctylphenoxyxpoly (ethoxyethanol) extract of total *Eimeria* sporozoites; and

(b) [have] has a molecular mass [masses] of about 26-30 kDa [ $\pm$  5 kDa when] as determined by SDS-PAGE under reducing conditions[;

and wherein said composition consists essentially of proteins which are non-membrane-bound in *Eimeria*].

# CONFIRMATION

## FACSIMILE TRANSMITTAL SHEET

Total number of pages including cover letter: 5

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